

## § 82.160

## 40 CFR Ch. I (7–1–00 Edition)

(2) Inspections of recycling or recovery equipment at manufacturing facilities to ensure that each equipment model line that has been certified under this section continues to meet the certification criteria.

Such retests or inspections must be conducted at least once every three years after the equipment is first certified.

(k) An equipment model line that has been certified under this section may have its certification revoked if it is subsequently determined to fail to meet the certification criteria. In such cases, the Administrator or her or his designated representative shall give notice to the manufacturer or importer setting forth the basis for her or his determination.

(l) Equipment used to evacuate refrigerant from MVACs and MVAC-like appliances before they are disposed of must be capable of reducing the system pressure to 102 mm of mercury vacuum under the conditions of the SAE Standard, SAE J1990 (appendix A to 40 CFR part 82, subpart B).

(m) Equipment used to evacuate refrigerant from small appliances before they are disposed of must be capable of either:

(1) Removing 90% of the refrigerant when the compressor of the small appliance is operating and 80% of the refrigerant when the compressor of the small appliance is not operating, when used in accordance with the manufacturer's instructions under the conditions of appendix C, Method for Testing Recovery Devices for Use With Small Appliances; or

(2) Evacuating the small appliance to four inches of vacuum when tested using a properly calibrated pressure gauge.

[58 FR 28712, May 14, 1993, as amended at 59 FR 42957, Aug. 19, 1994]

### § 82.160 Approved equipment testing organizations.

(a) Any equipment testing organization may apply for approval by the Administrator to certify equipment pursuant to the standards in § 82.158 and appendices B or C of this subpart. The application shall be sent to: Section 608 Recycling Program Manager, Stratospheric Protection Division, 6205-J,

U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

(b) Applications for approval must include written information verifying the following:

(1) The list of equipment present at the organization that will be used for equipment testing.

(2) Expertise in equipment testing and the technical experience of the organization's personnel.

(3) Thorough knowledge of the standards as they appear in § 82.158 and appendices B and/or C (as applicable) of this subpart.

(4) The organization must describe its program for verifying the performance of certified recycling and recovery equipment manufactured over the long term, specifying whether retests of equipment or inspections of equipment at manufacturing facilities will be used.

(5) The organization must have no conflict of interest and receive no direct or indirect financial benefit from the outcome of certification testing.

(6) The organization must agree to allow the Administrator access to records and personnel to verify the information contained in the application.

(c) Organizations may not certify equipment prior to receiving approval from EPA. If approval is denied under this section, the Administrator or her or his designated representative shall give written notice to the organization setting forth the basis for her or his determination.

(d) If at any time an approved testing organization is found to be conducting certification tests for the purposes of this subpart in a manner not consistent with the representations made in its application for approval under this section, the Administrator reserves the right to revoke approval. In such cases, the Administrator or her or his designated representative shall give notice to the organization setting forth the basis for her or his determination.

(e) Testing organizations seeking approval of an equipment certification program may also seek approval to certify equipment tested previously under the program. Interested organizations may submit to the Administrator at the address in § 82.160(a) verification

that the program met all of the standards in § 82.160(b) and that equipment to be certified was tested to and met the applicable standards in § 82.158 (b) or (d). Upon EPA approval, the previously tested equipment may be certified without being retested (except insofar as such retesting is part of the testing organization's program for verifying the performance of equipment manufactured over the long term, pursuant to § 82.160(b)(4)).

[58 FR 28712, May 14, 1993, as amended at 59 FR 42962, Aug. 19, 1994]

**§ 82.161 Technician certification.**

(a) Effective November 14, 1994, technicians, except technicians who successfully completed voluntary certification programs that apply for approval under § 82.161(g) by December 9, 1994, must be certified by an approved technician certification program under the requirements of this paragraph (a). Effective May 15, 1995, all technicians must be certified by an approved technician certification program under the requirements of this paragraph (a).

(1) Technicians who maintain, service, or repair small appliances as defined in § 82.152(x) must be properly certified as Type I technicians.

(2) Technicians who maintain, service, or repair high or very high-pressure appliances, except small appliances and MVACs, or dispose of high or very high-pressure appliances, except small appliances and MVACs, must be properly certified as Type II technicians.

(3) Technicians who maintain, service, or repair low-pressure appliances or dispose of low-pressure appliances must be properly certified as Type III technicians.

(4) Technicians who maintain, service, or repair low- and high-pressure equipment as described in § 82.161(a) (1), (2) and (3) must be properly certified as Universal technicians.

(5) Technicians who maintain, service, or repair MVAC-like appliances must either be properly certified as Type II technicians or complete the training and certification test offered by a training and certification program approved under § 82.40.

(6) Apprentices are exempt from this requirement provided the apprentice is

closely and continually supervised by a certified technician while performing any maintenance, service, repair, or disposal that could reasonably be expected to release refrigerant from appliances into the environment. The supervising certified technician is responsible for ensuring that the apprentice complies with this subpart.

(b) *Test Subject Material.* The Administrator shall maintain a bank of test questions divided into four groups, including a core group and three technical groups. The Administrator shall release this bank of questions only to approved technician certification programs. Tests for each type of certification shall include a minimum of 25 questions drawn from the core group and a minimum of 25 questions drawn from each relevant technical group. These questions shall address the subject areas listed in appendix D.

(c) *Program Approval.* Persons may seek approval of any technician certification program (program), in accordance with the provisions of this paragraph, by submitting to the Administrator at the address in § 82.160(a) verification that the program meets all of the standards listed in appendix D and the following standards:

(1) *Alternative Examinations.* Programs are encouraged to make provisions for non-English speaking technicians by providing tests in other languages or allowing the use of a translator when taking the test. If a translator is used, the certificate received must indicate that translator assistance was required. A test may be administered orally to any person who makes this request, in writing, to the program at least 30 days before the scheduled date for the examination. The letter must explain why the request is being made.

(2) *Recertification.* The Administrator reserves the right to specify the need for technician recertification at some future date, if necessary, by placing a notice in the FEDERAL REGISTER.

(3) *Proof of Certification.* Programs must issue individuals a wallet-sized card to be used as proof of certification, upon successful completion of the test. Programs must issue an identification card to technicians that receive a score of 70 percent or higher on